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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 2 5 2005

Applicant:

D.M. Shackelford

Examiner:

Benjamin Lanier

Serial No.:

09/409,617

Group Art Unit:

2132

Filed:

October 1, 1999

Docket No.:

TUC919990029US1

TITLE:

METHOD, SYSTEM, AND PROGRAM FOR DISTRIBUTING SOFTWARE

BETWEEN COMPUTER SYSTEMS

**CERTIFICATE UNDER 37 CFR 1.8:** 

I hereby certify that this correspondence is being transmitted by facsimile to Benjamin Lanier of the U.S.

Patent and Trademark Office at 703-872-9306 on April 25, 2005.

David W Victor

## **RESPONSE TO FINAL OFFICE ACTION**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the final office action dated February 24, 2005 ("Final Office Action"), in which the Examiner rejected pending claims 1-40 for failing to comply with the written description requirement (35 U.S.C. §112, par. 1) and as obvious (35 U.S.C. §103) over cited art. Applicants discussed with the Examiner an amendment to the claims to overcome the written description rejection. The Examiner said he would enter this amendment to remove this rejection. The Examiner declined to grant a phone interview to discuss the prior art rejection, and requested that Applicants submit their arguments in writing for consideration. Applicants submit that all pending claims are patentable over the cited art and in condition for allowance for the reasons discussed herein.

Amendments to the Claims are reflected in the listing of claims which begins on page 2. Remarks/Arguments begin on page 13.

## KONRAD RAYNES & VICTOR, LLP

315 S. Beverly Drive, Suite 210 Beverly Hills, California 90212 Telephone: (310) 556-7983 Facsimile: (310) 556-7984

## **FAX COVER SHEET**

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APR 2 5 2005

## PLEASE DELIVER THIS FACSIMILE TO EXAMINER BENJAMIN E. LANIER

TO:

Commissioner for Patents

FROM: David W. Victor

Attn: Examiner Benjamin E. Lanier

Group Art Unit 2132
Patent Examining Corps

Facsimile Center

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0018.0056

Washington, D.C. 20231

TELEPHONE:

310-556-7983

Total pages, including cover letter: 24

## PTO FAX NUMBER 1-703-872-9306

If you do NOT receive all of the pages, please telephone us at 310/556-7983, or fax us at 310/556-7984.

Description of Documents Transmitted: <u>TRANSMITTAL FOR AMENDMENT</u> (+COPY); AMENDMENT

Applicant:

D.M. Shackelford

Serial No.:

09/409,617

Filed:

October 1, 1999

Group Art Unit:

<u>2132</u>

Docket No.:

TU999029

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Dedemark Office on April 25, 2005

Name: David W. Victor

FORM PTO-1083

PATENT TU999029 0018.0056

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application D.M. Shackelfor Serial No.: Filed: For:		SOFTWARE	) ) ) Art	aminer:	: Benjamin E	i. Lanler				
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David W. Victor Registration N KONRAD RAYN 315 S. Beverly I Beverly Hills, C/ (310) 556-7983 (310) 556-7984	lo. 39,867 NES & VICTOR, LLP Drive, Suite 210 A 90212 (voice)	Dated: Apr	7							
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**FORM PTO-1083** 

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In re Application D.M. Shackelford Serial No.: Filed: For:		OFTWARE	) )	Examine: Art Unit: :	r: Benjamin 2132	E. Lanie	r			
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Payid W. Victor Registration No. KONRAD RAYNE	39,867 S & VICTOR, LLP	Dated: April	25, 200 <b>5</b>							
315 S. Beverly Dr Beverly Hills, CA 9 310) 556-7983 (v 310) 556-7984 (fa	ive, Suite 210 90212 voice)									
		hereby certify	that this cor	responder	nce is being tr	ansmitted	by facsimi	lle to B	enjamin Lani	er of the
	_	U.S. Patent af	nd Trademan مر	Office at	703-872-930	6 on April	25, 2005.		- Angum Core - Samuel III	- 0.00